

00061150.WPD

RECEIVED

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

DEC 29 2004

PUBLIC SERVICE
COMMISSION

IN THE MATTER OF:

BALLARD RURAL TELEPHONE
COOPERATIVE CORPORATION, INC.

PSC CASE NO. 2004-00036

v.

JACKSON PURCHASE ENERGY CORPORATION

**JACKSON PURCHASE ENERGY CORPORATION'S
RESPONSE TO MOTION TO SCHEDULE HEARING**

Comes the defendant, Jackson Purchase Energy Corporation ("JPEC"), through counsel, and for its response to Ballard Rural Telephone Cooperative Corporation Inc.'s ("BRTC") Motion to Schedule Hearing, states as follows:

As there is currently a Motion for Summary Judgment pending before the Commission, BRTC's motion is not appropriate for consideration at this time. Put simply, scheduling such a hearing is premature unless and until the Commission makes a decision on BRTC's Motion for Summary Judgment. If the Motion for Summary Judgment is granted, further hearings will presumably be completely unnecessary and it, therefore, seems better to schedule further hearings only after BRTC's Motion for Summary Judgment is denied.

WHEREFORE, JPEC respectfully requests that the Motion to Schedule Hearing be denied pending a ruling on BRTC's Motion for Summary Judgment.

I hereby certify that 10 copies of the foregoing were filed with the Public Service Commission by mailing via Federal Express to:

BETH O'DONNELL EXEC DIR
PUBLIC SERVICE COMMISSION
215 SOWER BLVD
P O BOX 615
FRANKFORT KY 40601

AND via facsimile transmission to:
Mr. ^{Beth O'Donnell} Thomas Donnan, Executive Director,
Commission @ 502-564-3460

True and correct copies of the foregoing have been mailed to:

HON ANITA MITCHELL ATTY
PUBLIC SERVICE COMMISSION
215 SOWER BLVD
P O BOX 615
FRANKFORT KY 40602

AND via facsimile transmission to:

HON JOHN E. SELENT
DINSMORE & SHOHL LLP
1400 PNC PLAZA
500 W. JEFFERSON STREET
LOUISVILLE, KY 40202
(502) 540-2300

on this 29th day of December, 2004.



W. David Denton
Melissa D. Yates

CC: Kelly Nuckols @
Jackson Purchase Energy Corporation

Respectfully submitted,

DENTON & KEULER
P.O. Box 929
Paducah, KY 42002-0929
Telephone: 270.443.8253
Fax: 270.442.6000

By W. David Denton

W. David Denton

Melissa D. Yates

ATTORNEYS FOR DEFENDANTS